

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CR-50-1FL

UNITED STATES OF AMERICA,

v.

DAMIEN ANTWON EVANS,  
Defendant.

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**ORDER**

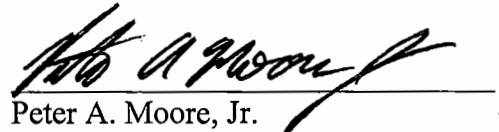
On September 25, 2017, the court received a request filed by Damien Antwon Evans to receive free copies of the docket sheet in this case, the judgment entered after he was resentenced on August 23, 2017, and the transcript of the resentencing hearing [DE-140]. With his request, Evans included an application to proceed in forma pauperis and his account statement from the Bureau of Prisons. He states that he needs the documents for his direct appeal. The request was referred to the clerk for ruling at the direction of the presiding judge.

The docket sheet in this action shows that on September 1, 2017, Dhamian Blue, counsel for Evans, filed a notice of appeal [DE-130] as to the sentence imposed by the court on August 23, 2017. The Fourth Circuit Court of Appeals appointed Mr. Blue to represent Evans on appeal on September 5, 2017 [DE-133] in case number 17-4564 in that court. That same day, Evans filed a notice of appeal of his sentence on his own behalf [DE-134]. The Fourth Circuit's docket sheet for case number 17-4564 shows that Mr. Blue has ordered a transcript of the August 23, 2017 resentencing hearing, to be paid for under the Criminal Justice Act, 18 U.S.C. § 3006A.

Because Evans is represented on appeal by appointed counsel, who has access to the docket sheet and judgment and who has ordered a copy of the resentencing transcript, his request for free copies of those documents is DENIED. See United States v. Cousins, 845 F. Supp. 2d 708, 710 (E.D. Va. 2012) (recognizing that an indigent criminal defendant is entitled to a transcript at

government expenses if the defendant shows a particularized need for the transcript, but noting that is not implicated where “transcripts of the proceedings in [the] case have been prepared and defendant’s appellate counsel is in possession of those documents”).

SO ORDERED. This the 18 day of October, 2017.

  
Peter A. Moore, Jr.  
Clerk of Court